



Wireless Communications Association International

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"The Association for Wireless Broadband Access"

October 1, 2003

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum
Below 3 GHz for Mobile and Fixed Services To Support the Introduction
of New Advanced Wireless Services, including Third Generation Wireless
Systems - ET Docket No. 00-258 – NOTICE OF ORAL EX PARTE
COMMUNICATION*

Dear Ms. Dortch:

I am writing pursuant to Section 1.1206(b) of the Commission's Rules to advise you that on September 30, 2003, representatives of the Wireless Communications Association International, Inc. ("WCA") met with Bruce Franca, Bruce Romano, Alan Scrim, Ira Keltz, Jamison Prime and Shameeka Hunt of the Office of Engineering and Technology to discuss the proposals pending in the *Third Notice of Proposed Rulemaking* in ET Docket No. 00-258 for relocating Multipoint Distribution Service ("MDS") licensees from the 2150-2162 MHz band as part of the Commission's effort to free spectrum for Advanced Wireless Services ("AWS").

During the course of that meeting, WCA reviewed the record in the proceeding, which illustrates that, except for the G Block, none of the bands proposed in the *Third Notice of Proposed Rulemaking* are suitable for relocating MDS. WCA expressed its view that both law and policy considerations dictate that MDS licensees be provided with comparable spectrum and compensation for relocation expenses, and re-emphasized that the Commission's microwave relocation policies must be adjusted to reflect that MDS will be the first point-to-multipoint, mass market service that is relocated. WCA reminded the staff that it has been almost three years since the MDS spectrum at 2150-2162 MHz was first targeted for relocation by the *Notice of Proposed Rulemaking* and

Marlene H. Dortch
October 1, 2003
Page 2

discussed the adverse consequences the resulting regulatory cloud continues to have on the use of the band.

Should there be any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

/s/ Andrew Kreig
Andrew Kreig
President

Attachment

cc: Bruce Franca
Bruce Romano
Alan Scrim
Ira Keltz
Jamison Prime
Shameeka Hunt